

## SCHOOLHOUSES AND SCHOOLHOUSE SITES

### **297.1 Location.**

The board of each school district may fix the site for each schoolhouse, which shall be upon some public highway already established or procured by such board and not in any public park, and except in cities and villages, not less than thirty rods from the residence of any landowner who objects thereto.

In fixing such site, the board shall take into consideration the number of scholars residing in the various portions of the school district and the geographical location and convenience of any proposed site.

[R60, § 2037; C73, § 1724, 1825, 1826; C97, § 2773, 2814; S13, § 2773, 2814; C24, 27, 31, 35, 39, § **4359**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.1]

### **297.2 Ten-acre limitation.**

Except as hereinafter provided, any school district may take and hold so much real estate as may be required for such site, for the location or construction thereon of schoolhouses, and the convenient use thereof, but not to exceed ten acres exclusive of public highway.

[C73, § 1825; C97, § 2814; S13, § 2814; C24, 27, 31, 35, 39, § **4360**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.2]

### **297.3 Thirty-acre limitation.**

Any school district, including a city or village, may take and hold an area equal to two blocks exclusive of the street or highway, for a schoolhouse site, and not exceeding thirty acres for school playground, stadium, or field house, or other purposes for each such site.

[C97, § 2814; S13, § 2814; C24, 27, 31, 35, 39, § **4361**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.3]

### **297.4 Vacancy notification.**

The board of directors shall notify the cities located within the school district, the counties in which the school district may be located, and the department of administrative services annually of the facilities and buildings owned by the public school corporation which are vacant and available to be leased or purchased.

[82 Acts, ch 1148, § 2]

2003 Acts, ch 145, §286

**297.5 Tax.** Repealed effective July 1, 1991, by 89 Acts, ch 135, §136. See §298.2, 298.3.

### **297.6 Condemnation.**

If the owner of real estate desired for any purpose for which any school may be authorized to take and hold real estate refuses to convey the same, or is dead or unknown or cannot be found, or if in the judgment of the board of directors of the corporation they cannot agree with such owner as to the price to be paid therefor, such real estate may be taken under condemnation proceedings in accordance with the provisions of chapter 6B.

[C73, § 1827; C97, § 2815; C24, 27, 31, 35, 39, § **4364**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.6]

### **297.7 Construction, renovation and repair of school buildings review of plans aviation programs.**

1. Sections 73A.2 and 73A.18 are applicable to the construction and repair of school buildings.
2. Any other law to the contrary notwithstanding, the board of directors of a school district may acquire by purchase, lease, or other arrangement real estate located within or adjoining the boundaries of a municipal airport, and may take title, leasehold, or other interest, subject to a right of purchase or repurchase by the city owning or controlling the municipal airport. The city may purchase, repurchase, or repossess such real estate and the improvements constructed on the real estate upon terms and conditions as agreed to by the board of directors and the city council. The board of directors of any such school district may construct a technical school on the real estate to carry on vocational instruction in aviation mechanics and other aviation programs upon compliance with conditions and limitations otherwise provided by law.

[R60, § 2037; C73, § 1723; C97, § 2779; C24, 27, 31, 35, 39, § **4370**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.7; 81 Acts, ch 28, § 7, ch 91, § 2]

84 Acts, ch 1036, § 1; 2002 Acts, ch 1140, §30

### **297.8 Emergency repairs.**

When emergency repairs costing more than twenty-five thousand dollars are necessary in order to prevent the closing of any school, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to any schoolhouse, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to prevent the closing of the school.

[C31, 35, § 4370-c1; C39, § **4370.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.8; 81 Acts, ch 28, § 8]

### **Footnotes**

See § 297.7

### **297.9 Use for other than school purposes.**

The board of directors of any school district may authorize the use of any schoolhouse and its grounds within such district for the purpose of meetings of granges, lodges, agricultural societies, and similar societies, for parent-teacher associations, for community recreational activities, community education programs, election purposes, other meetings of public interest, public forums and similar community purposes; provided that such use shall in no way interfere with school activities; such use to be for such compensation and upon such terms and conditions as may be fixed by said board for the proper protection of the schoolhouse and the property belonging therein, including that of pupils, except that in the case of community education programs, any compensation necessary for programs provided specifically by community education and not those provided through community education by other agencies or organizations shall be compensated from the funding provided for community education programs.

[C24, 27, 31, 35, 39, § **4371**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.9]

### **Footnotes**

Schoolhouses as polling places, § 49.24

Use by county conservation board, § 350.8

**297.10 Compensation.**

Any compensation for such use shall be paid into the general fund and be expended in the upkeep and repair of such school property, and in purchasing supplies therefor.

[C24, 27, 31, 35, 39, § 4372; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.10]

**297.11 Use forbidden.**

If at any time the voters of such district at a regular election forbid such use of any such schoolhouse or grounds, the board shall not thereafter permit such use until the said action of such voters shall have been rescinded by the voters at a regular election, or at a special election called for that purpose.

[C24, 27, 31, 35, 39, § 4373; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.11]

**297.12 Renting schoolroom.**

The board may, when necessary, rent a room and employ a teacher, where there are ten children for whose accommodation there is no schoolhouse.

[C73, § 1725; C97, § 2774; C24, 27, 31, 35, 39, § 4374; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.12]

**297.13 Fence around schoolhouse sites.**

Each board of directors in school districts where the school grounds adjoin cultivated or improved lands shall build and maintain a lawful fence between said grounds and cultivated or improved lands, and the owner of lands adjoining any such site shall have the right to connect the fence on the owner's land with the fence around the school grounds, but the owner shall not be liable to contribute to the maintenance of such fence.

[S13, § 2745-a, -b; C24, 27, 31, 35, 39, § 4377; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.13]

**Footnotes**

Lawful fence, § 359A.18

**297.14 Barbed wire.**

No fence provided for in section 297.13 shall be constructed of barbed wire, nor shall any barbed wire fence be placed within ten feet of any school grounds. Any person violating the provisions of this section shall be guilty of a simple misdemeanor.

[C97, § 2817; C24, 27, 31, 35, 39, § 4378; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.14]

**297.15 Reversion of schoolhouse site.**

Any real estate, owned by a school district, containing less than two acres, situated wholly outside of a city, and not adjacent thereto, and heretofore used as a schoolhouse site shall revert to the then owner of the tract

from which the same was taken, provided that said owner of the tract last aforesaid shall, within the time hereinafter prescribed, pay the value thereof to such school district.

Any such schoolhouse site containing two or more acres shall be subject to the law as otherwise provided.

[C73, § 1828; C97, § 2816; S13, § 2816; C24, 27, 31, 35, 39, § **4379**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.15]

#### **297.16 Appraisers.**

In case the school district and said owner of the tract from which such school site was taken, do not agree as to the value of such site, the chief judge of the judicial district of the county in which the greater part of such school district is situated, shall, on the written application of either party, appoint three disinterested voters of the county from the list of persons eligible to serve as compensation commissioners to appraise the site.

[C97, § 2816; S13, § 2816; C24, 27, 31, 35, 39, § **4380**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.16]

#### **297.17 Notice.**

The county sheriff shall give notice to both parties of the time and place of making such appraisal, which notice shall be served in the same manner and for the same time as for the commencement of action in the district court.

[C24, 27, 31, 35, 39, § **4381**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.17]

#### **Footnotes**

Time and manner of service, R.C.P. 1.3021.315

#### **297.18 Appraisal.**

Such appraisers shall inspect the premises and, at the time and place designated in the notice, appraise said site in writing, which appraisal, after being duly verified, shall be filed with the county sheriff.

[C24, 27, 31, 35, 39, § **4382**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.18]

#### **297.19 Public sale.**

If the owner of the tract from which said site was taken fails to pay the amount of such appraisal to such school district within twenty days after the filing of same with the county sheriff, the school district may sell said site to any other person at the appraised value, or may sell the same at public sale to the highest bidder.

[C24, 27, 31, 35, 39, § **4383**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.19]

#### **297.20 Sale of improvements.**

If there are improvements on said site, the improvements may, at the request of either party, be appraised and sold separately.

[C97, § 2816; S13, § 2816; C24, 27, 31, 35, 39, § **4384**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.20]

**297.21 Sale of unnecessary schoolhouse sites.** Repealed by 97 Acts, ch 184, §7.

**297.22 Power to sell, lease, or dispose of property tax.**

1. The board of directors of a school district may sell, lease, or dispose of, in whole or in part, a schoolhouse, site, or other property belonging to the district. If the real property contains less than two acres, is located outside of a city, is not adjacent to a city, and was previously used as a schoolhouse site, the procedure contained in sections 297.15 through 297.20 shall be followed in lieu of this section.

Proceeds from the sale or disposition of real property shall be placed in the physical plant and equipment levy fund. Proceeds from the sale or disposition of property other than real property shall be placed in the general fund. Proceeds from the lease of real or other property shall be placed in the general fund.

Before the board of directors may sell, lease for a period in excess of one year, or dispose of any property belonging to the school, the board shall hold a public hearing on the proposal. The board shall set forth its proposal in a resolution and shall publish notice of the time and the place of the public hearing on the resolution. The notice shall also describe the property. A locally known address for real property may be substituted for a legal description of real property contained in the resolution. Notice of the time and place of the public hearing shall be published at least once not less than ten days but not more than twenty days prior to the date of the hearing in a newspaper of general circulation in the district. After the public hearing, the board may make a final determination on the proposal contained in the resolution.

However, property having a value of not more than five thousand dollars, other than real property, may be disposed of by any procedure which is adopted by the board and each sale shall be published by at least one insertion each week for two consecutive weeks in a newspaper having general circulation in the district.

2. The board of directors of a school district may sell, lease, exchange, give, or grant, and accept any interest in real property to, with, or from a county, municipal corporation, school district, township, or area education agency if the real property is within the jurisdiction of both the grantor and grantee.

The board of directors of a school district may lease a portion of an existing school building in which the remaining portion of the building will be used for school purposes for a period of not to exceed five years. The lease may be renewed at the option of the board. The notice and public hearing requirements of subsection 1 of this section do not apply to the lease of a portion of an existing school building. A school district shall pay out of the revenue from a lease to the state of Iowa, and to the city, school district and any other political subdivision authorized to levy taxes, an amount as determined by this section. The amount shall be determined by applying the annual tax rate of the taxing district to the assessed value of the portion of the building leased, prorated for the term of the lease during the appropriate taxing period. The provisions of this section relating to the payment of property tax because of leases shall only apply to leases to private, for-profit entities which lease a portion of a school building for a period of thirty or more consecutive days.

3. The provisions in subsections 1 and 2 relating to the sale, lease, or disposition of school district property do not apply to student-constructed buildings and the property on which student-constructed buildings are located. The board of directors of a school district may sell, lease, or dispose of a student-constructed building and the property on which the student-constructed building is located, and may purchase sites for the erection of additional structures, by any procedure which is adopted by the board.

[C27, 31, 35, § 4385-a1; C39, § **4385.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.22; 81 Acts, ch 93, § 14]

85 Acts, ch 8, § 1; 86 Acts, ch 1223, § 13; 90 Acts, ch 1018, § 1; 94 Acts, ch 1029, §22; 94 Acts, ch 1089, §2; 97 Acts, ch 184, §3; 98 Acts, ch 1100, § 37

## Footnotes

Sale for defense projects, § 274.39274.41

**297.23 Advertisement for bids.** Repealed by 97 Acts, ch 184, §7.

**297.24 Acceptance of bids.** Repealed by 97 Acts, ch 184, §7.

**297.25 Rule of construction.**

Section 297.22 shall be construed as independent of the power vested in the electors by section 278.1, and as additional to such power.

[C27, 31, 35, § 4385-a4; C39, § **4385.4**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.25]

97 Acts, ch 184, §4

**297.26 Sale by department.**

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, shall be sold by the department when the director of the department of education determines it is no longer needed for school purposes.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.26]

86 Acts, ch 1238, § 55, 56, 58; 86 Acts, ch 1245, § 1489, 1984

**297.27 Preference to owner of tract.**

When the buildings or sites are sold, the owners of the tract from which the same was originally taken shall have first option on the purchase of the same.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.27]

86 Acts, ch 1245, § 1985

**297.28 Appraisers.**

If the department and the owner of the tract from which the school site was taken do not agree as to the value of such site or building, the chief judge of the judicial district of the county in which the greater part of such school site is situated shall, on the written application of either party, appoint three disinterested voters of the county from the list of compensation commissioners to appraise such site. The county sheriff shall give notice to both parties of the time and place of making such appraisal, which notice shall be served in the same manner and for the same time as for the commencement of an action in the district court.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.28]

86 Acts, ch 1245, § 1986

**297.29 Report filed.**

Such appraisers shall inspect the premises and at the time and place designated in the notice, appraise such site or building in writing, which appraisal, after being duly verified, shall be filed with the sheriff.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.29]

### **297.30 Public sale.**

If the owner of the tract from which said site was taken fails to pay the amount of such appraisal to such executive council within thirty days after the filing of the same with the sheriff, the executive council may sell said site or building to any other person at the appraised value, or may sell the same at public sale to the highest bidder and the proceeds of such sale are to be added to the permanent school fund of the state.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.30]

### **297.31 Improvements.**

If there are improvements on said site the same may at the request of either party be appraised and sold separately.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.31]

### **297.32 Equipment and supplies.**

If there is any school equipment, supplies, or other usable school materials, such as desks, blackboards, playground equipment, or the like, in or on said buildings or grounds, the director of the department of education may remove the same and divert their use to other public school districts.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 297.32]

85 Acts, ch 212, §21

### **297.33 and 297.34 Reserved.**

### **297.35 Continuation of loan agreement.**

A loan agreement between a school district and a bank, investment banker, trust company, insurance company, or insurance group that was made under section 297.36, Code 1989, prior to July 1, 1991, in order to make immediately available proceeds of the schoolhouse tax approved by the voters prior to July 1, 1991, and the levy of taxes to pay principal and interest thereafter, shall continue in effect for the duration of the loan agreement.

89 Acts, ch 135, § 104

### **297.36 Loan agreements.**

In order to make immediately available proceeds of the voter-approved physical plant and equipment levy which has been approved by the voters as provided in section 298.2, the board of directors may, with or without notice, borrow money and enter into loan agreements in anticipation of the collection of the tax with a bank, investment banker, trust company, insurance company, or insurance group.

By resolution, the board shall provide for an annual levy which is within the limits of the voter-approved physical plant and equipment levy to pay for the amount of the principal and interest due each year until maturity. The board shall file a certified copy of the resolution with the auditor of each county in which the

district is located. The filing of the resolution with the auditor makes it the duty of the auditor to annually levy the amount certified for collection until funds are realized to repay the loan and interest on the loan in full.

The loan must mature within the period of time authorized by the voters and shall bear interest at a rate which does not exceed the limits under chapter 74A. A loan agreement entered into pursuant to this section shall be in a form as the board of directors shall by resolution provide and the loan shall be payable as to both principal and interest from the proceeds of the annual levy of the voter-approved physical plant and equipment levy, or so much thereof as will be sufficient to pay the loan and interest on the loan.

The proceeds of a loan must be deposited in the physical plant and equipment levy fund. Warrants paid from this fund must be for purposes authorized for the voter-approved physical plant and equipment levy.

This section does not limit the authority of the board of directors to levy the full amount of the voter-approved physical plant and equipment levy, but if and to whatever extent the tax is levied in any year in excess of the amount of principal and interest falling due in that year under a loan agreement, the first available proceeds, to an amount sufficient to meet maturing installments of principal and interest under the loan agreement, shall be paid into the debt service fund for the loan before the taxes are otherwise made available to the school corporation for other school purposes, and the amount required to be annually set aside to pay principal of and interest on the money borrowed under the loan agreement constitutes a first charge upon the proceeds of the voter-approved physical plant and equipment levy, which tax shall be pledged to pay the loan and the interest on the loan.

This section is supplemental and in addition to existing statutory authority to finance the purposes specified in section 298.2 for the physical plant and equipment levy, and for the borrowing of money and execution of loan agreements in connection with that section, and is not subject to any other law. The fact that a school corporation may have previously borrowed money and entered into loan agreements under authority of this section does not prevent the school corporation from borrowing additional money and entering into further loan agreements if the aggregate of the amount payable under all of the loan agreements does not exceed the proceeds of the voter-approved physical plant and equipment levy.

83 Acts, ch 185, § 8, 62; 89 Acts, ch 135, §105; 94 Acts, ch 1029, §23